

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KENNY HILL.

Plaintiff,

vs.

UNITED STATES OF AMERICA,
JOHN J. LAMANNA,
MARTY SAPKO,
DEBORAH FORSYTH,
STEPHEN HOUSLER

Defendants

) Docket No. 05-160E
) (Judge Susan Paradise Baxter)
)
) ELECTRONICALLY FILED PLEADING
)
) MOTION TO AMEND COMPLAINT
) AND CAPTION
)
) Filed on behalf of: Plaintiff, Kenny Hill
)
) Counsel of record for this party:
) Richard A. Lanzillo, Esq.
) Knox McLaughlin Gornall
) & Sennett, P.C.
) 120 West 10th Street
) Erie, PA 16501
) Telephone (814) 459-2800
) Facsimile (814) 453-4530
) Email rlanzillo@kmgslaw.com
PA53811

CONSENT MOTION TO AMEND COMPLAINT
AND CAPTION

AND NOW, comes the plaintiff, Kenny Hill, by and through his counsel, Knox McLaughlin Gornall & Sennett, P.C., and files the following Consent Motion to Amend Complaint:

1. On June 22, 2006, plaintiff's current counsel was appointed by the Court to represent plaintiff in this action.
2. On August 15, 2006 plaintiff filed his First Amended Complaint, in which he refined his claims against Defendants.

3. On September 15, 2006 defendants filed a Motion to Dismiss, or in the alternative, for Summary Judgment to plaintiff's First Amended Complaint along with their Brief in Support ("Defendants' Motion and Brief").

4. Defendants' Motion and Brief includes a section regarding the Federal Tort Claims Act (FTCA) claim, relating to Count Two of the First Amended Complaint.

5. Upon review of Defendants' Motion and further investigation plaintiff requests leave to file a Second Amended Complaint, removing the FTCA claim. A copy of the proposed Second Amended Complaint is attached as Exhibit "A".

6. As a result of removing the FTCA claim from the Second Amended Complaint, all claims against the United States of America are also removed and the Second Amended Complaint's caption is adjusted accordingly.

7. Counsel for defendants has consented to this proposed relief.

WHEREFORE, plaintiff respectfully requests that this Court grant this Motion and allow him to file a Second Amended Complaint.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: /s/Richard A. Lanzillo
Richard A. Lanzillo, Esquire
rlanzillo@kmgslaw.com
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

Attorneys for Plaintiff,
Kenny Hill